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DEC 11 2006

**OFFICE OF PETITIONS**

In re Application of Xu et al. :  
Application No. 09/892,307 : Decision on Petition  
Filing Date: June 26, 2001 :  
Attorney Docket No. 2001B068 :

This is a decision on the petition under 37 CFR 1.181, filed August 2, 2006, to withdraw the holding of abandonment.<sup>1</sup>

The petition is **granted**.

A non-final Office action was mailed October 7, 2002.

The Office action set a shortened statutory period for reply of three (3) months.

A reply to the Office action was not matched with the file. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Therefore, the application was deemed abandoned as of January 8, 2003.

A Notice of Abandonment was mailed May 30, 2003.

Petitioner contends a reply was timely filed on January 6, 2003. Petitioner has supplied a copy of the reply. The reply bears a proper certificate of mailing in compliance with the requirements of 37 C.F.R. 1.8(a). The petition complies with the requirements set forth in 37 CFR 1.8(b). In view thereof the reply is considered timely filed.

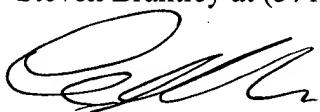
The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 1764 will be informed of the instant decision and the examiner will consider the merits of the copy of the amendment filed August 2, 2006, in due course.

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<sup>1</sup> The original petition filed July 16, 2003, cannot be located in the file. Therefore, this decision is based on the copy of the petition supplied on August 2, 2006.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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